

REMARKS

Claims 1, 8, 10 and 12 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated August 8, 2006.

Claims 4, 5 and 12 stand rejected under 35 USC §112, second paragraph, for the specific reasons set forth in the second and third full paragraphs on page 2 of the outstanding Action. The applicants respectfully request reconsideration of this rejection.

First, the subject matters set forth in claims 4 and 5 do not conflict with the subject matter of independent claim 1. More particularly, in independent claim 1, all that is recited is:

the fluid that flows into said inflow chamber (3a, 5a) is spouted up from the bottom portion of said inflow chamber (3a, 5a) and produces a rising flow of said fluid such that [the fluid] is directed toward said filter element. [Emphasis added.]

In other words, claim 1 does not differentiate between the first embodiment (the applicants' Figure 1) and the second embodiment (the applicants' Figure 2) of the applicants' filter. That is, although the first embodiment has the fluid initially flowing towards the bottom portion of the inflow chamber 5a, guided by the taper-like first flow path guide 5, such structural arrangement does not appear to

be specifically recited in independent claim 1. Instead, independent claim 1 calls for the fluid being spouted from the bottom portion of the chamber and rising into the chamber 3a and directed toward the filter element 3.

Thus, although claims 4 and 5 appear to be directed to the second embodiment of the applicants' filter, as illustrated in the applicants' Figure 2, their dependencies from independent claim 1 do not conflict because all three claims (independent claim 1, and claims 4 and 5) are directed to the rising flow of the fluid from the bottom portion of the chamber towards the filter element.

Second, with respect to claim 12, the applicants have re-numbered the last claim of this application as claim 12, and further amend claim 12 so as to solely depend on claim 8.

In view of the above, the withdrawal of the outstanding indefiniteness rejection under 35 USC §112, second paragraph, is in order, and is therefore respectfully solicited.

Furthermore, claims 4 and 5 stand rejected under 35 USC §112, first paragraph, for the specific reasons set forth in the last full paragraph on page 2 of the outstanding Action. The applicants respectfully request reconsideration of this rejection.

For the most part, the Examiner's reasons for rejecting claims 4 and 5 under 35 USC §112, first paragraph, are similar to his reasons for rejecting claims 4 and 5 under 35 USC §112, second paragraph.

More particularly, with respect to the Examiner's reasons that claims 4 and 5 cannot depend on independent claim 1 because claims 4 and 5 are directed to a different embodiment than that of independent claim 1, the applicants' comments above in traversing the Examiner's 35 USC §112, second paragraph, rejection are similarly applicable.

In view of the above, the withdrawal of the outstanding rejection under 35 USC §112, first paragraph, is in order, and is therefore respectfully solicited.

As to the merits of this case, the following rejections are set forth:

(1) claims 1 - 6 and 8 stand rejected under 35 USC §102(b) as being anticipated by Hull (U.S. Patent No. 1,197,634);

(2) claims 10 and 11 stand rejected under 35 USC §102(b) as being anticipated by Casaleggi (U.S. Patent No. 3,070,232); and

(3) claims 7, 9 and 12 stand rejected under 35 USC §103(a) based on Hull in view of Casaleggi.

The applicants respectfully request reconsideration of these rejections.

Hull's filter device includes a cylindrical pipe for allowing the fluid to flow downward therethrough and directed toward a bowl-like structure 18 onto which the flow of the fluid is reversed, and further directed toward filter element 30.

Casaleggi's filter unit initially directs the fluid flow downward, then angled toward a center thereof, and further directed upward through a so-called "necked-in portion 37", the portion 37 essentially being cylindrical in shape. Mentioned in lines 65 - 68, column 2 in Casaleggi is U.S. Patent No. 2,622,738 for teaching "[a] metal edge type filter element 41 ... disposed within [a] wire cloth member 33."

What is lacking in both the Hull and Casaleggi references is the "taper-like fashion"^{1/} flow of the fluid directed towards the filter.

^{1/} See, specifically, line 17, page 18 of the applicants' specification, and the paragraph bridging 18 and 19 of the applicants' specification for further discussions of such taper-like fashion flow of the fluid towards the filter.

Accordingly, the applicants have amended each of independent claims 1 and 8 so as to more particularly recite that the fluid flows “in a taper-like fashion” toward the filter element. Hull does not teach such claimed structural arrangements now set forth in independent claims 1 and 8. Thus, not all of the claimed elements or features of the claimed invention, as recited in claim 1 (and claims 2 - 6 that depend therefrom) and independent claim 8, are found in exactly the same situation and united in the same way to perform the identical function in Hull’s apparatus. Thus, there can be no anticipation of the claimed invention based on the teachings of Hull.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on Hull (U.S. Patent No. 1,197,634) is in order, and is therefore respectfully solicited.

As to independent claim 10, the Examiner specifically relies on Casaleggi’s teachings of a metal edge type filter element 41 for disclosing, according to the Examiner, the applicants’ claimed target tracking element. The Examiner further relies on Casaleggi’s wire-cloth member 33 for teaching, according to the Examiner, the applicants’ claimed fall-off preventing element. As discussed in lines 65 - 68, column 2, in Casaleggi, the filter element 41 having a wire-cloth member 33 is disclosed in U.S. Patent No. 2,622,738, a copy of which is attached herewith for the Examiner’s reference.

It is the applicants' position that U.S. Patent No. 2,622,738 is merely concerned with a self-supporting filter of rigid construction that requires no supporting frame, and simply prevents solid impurities from passing through "interstices 13 of the filter unit" (line 64, column 4). That is, U.S. Patent No. 2,622,738 does not teach any trapping of the solid impurities.

In view of the above, the applicants now more particularly recite in independent claim 10 that the claimed target trapping element and the claimed fall-off preventing element traps the foreign matter therebetween.

Thus, not all of the claimed elements or features of the claimed invention, as recited in claim 10 (and claim 11 that depends therefrom), are found in exactly the same situation and united in the same way to perform the identical function in Casaleggi's apparatus. Thus, there can be no anticipation of the claimed invention based on the teachings of Casaleggi.

Accordingly, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on Casaleggi (U.S. Patent No. 3,070,232) is in order, and is therefore respectfully solicited.

As to the outstanding obviousness rejections of claims 7, 9 and 12, the Examiner is respectfully referred to the advantages or benefits derived from the claimed invention having fluid flow in the taper-like fashion towards the filter (as recited in independent claims 1 and 8 from which claim 7, and claims 9 and 12 respectively depend), as discussed starting from line 15, page 18 through line 8, page 20 of the applicants' specification. The cited prior art references lack such advantages or benefits derived from the claimed invention.

Accordingly, the withdrawal of the outstanding obviousness rejection under 35 USC §103(a) based on Hull in view of Casaleggi is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

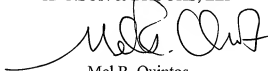
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 10/802,027
Amendment filed October 30, 2006
Reply to OA dated August 8, 2006

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees, which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



Mel R. Quintos
Attorney for Applicants
Reg. No. 31,898

MRQ/lrj/ipc

Enclosure: U.S. Patent No. 2,622,738

Atty. Docket No. 040122
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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